

7 FAM 1940 REPORTING CRIME VICTIM CASES

*(CT:CON-136; 04-11-2006)
(Office of Origin: CA/OCS/PRI)*

7 FAM 1941 REPORTING OF SERIOUS CRIME VICTIM CASES

(CT:CON-136; 04-11-2006)

- a. Promptly report all serious crime victim cases *to* CA/OCS/ACS by *email, fax or telephone* followed by a front-channel cable, and provide follow-up reporting to describe significant on-going activity or involvement in a case.
- b. It is important to handle and report these cases sensitively and with discretion. Provide enough detail to convey the gravity of the incident, without including sensational or graphic details that would be particularly painful or personal for the victim.
- c. Under the provisions of the Privacy Act, a U.S. citizen/national victimized by crime in your consular district has the right to obtain copies of reports you receive from host country authorities, as well as any cables, e-mails, and memoranda concerning the incident that you send to the Department. Alleged perpetrators of crime or abuse also may seek documents concerning the incident through the Freedom of Information Act. Therefore, be circumspect in how you report the incident.

7 FAM 1942 FRONT CHANNEL TELEGRAMS

(CT:CON-136; 04-11-2006)

- a. Your reporting should:
 - (1) Always be sensitive to the emotional needs and feelings of the alleged victim, especially in instances where he/she has experienced an extremely traumatic event involving any degree of violence; and
 - (2) Be limited to the facts of the case as reported by the alleged victim and information from local authorities. Report enough detail to convey the gravity of the incident, without including sensational or graphic details that would be particularly painful or personal for the

victim. Until it has been determined by local authorities that a crime has occurred, it is an “alleged crime.” Do not include conjecture or speculation.

- b. **Homicide Cases and Privacy:** 7 FAM 061 e explains that the Privacy Act does not protect records pertaining to deceased individuals. However, next-of-kin may have a “common law” privacy interest in not having information about the deceased released, e.g., if it could embarrass, endanger or cause emotional distress to them. 7 FAM 061 k further explains, while records pertaining to deceased individual do not have any Privacy Act protections, a Freedom of Information Act (FOIA) request for the decedent's file may be rejected in whole or in part where the release of information would unjustifiably invade the privacy of the latter's next-of-kin.
- c. **Use Neutral Terms:** Post reporting about crime victim cases should avoid speculation or conjecture not supported by the facts of the case.

For example:

- **The alleged victim said the following occurred.**
- **Mr. Public alleged that the following occurred.**

- d. Indicate “**Crime Victim Assistance Case**” on the subject line.
- e. Include the following pertinent details:
 - (1) Name, date and place of birth of the victim;
 - (2) Victim’s passport number, if known;
 - (3) Nature of the crime;
 - (4) Medical condition and present location of the victim;
 - (5) Whether the victim is a resident of the United States and if so, what state. (This information is needed to determine what resources might be available.);
 - (6) Affiliation of victim (employer, school, missionary group, tour group, etc.);
 - (7) Next-of-kin or other points of contact;
 - (8) Consular services provided and additional services needed, including whether referrals to victims assistance and victim compensation programs were provided;
 - (9) Whether a police report was made;
 - (10) Privacy Act information/waiver; and
 - (11) In **death cases** include (see 7 FAM 200):

- (a) Cause of death;
- (b) Location/condition of the remains;
- (c) Local autopsy requirements;
- (d) Estimated time for release of remains; and
- (e) Forensic identification requiring coordination with next-of-kin (DNA tests, etc.), if applicable.
- (f) The ACS+ application provides for the collection of statistics in ten categories of violent crimes. Reporting covers only crimes reported to a consular officer abroad by victims, their families or by the host country government and which result in a consular officer or officers providing substantial assistance to the victim. Crime data from media reports alone will not be included in the report. Non-violent crimes such as crimes against property, extortion or identity theft, no matter how much consular assistance is provided, are also not included in the report. These acts do not generally constitute a violent crime, are often addressed in civil litigation and are reported annually by posts under the Helms Act reporting requirements (*see 7 FAM 615*).
- (g) For reporting purposes in ACS+ each individual citizen victim of a violent crime will be counted once in one crime category only. If more than one citizen is involved in a single incident, each victim will be counted. If an individual is the victim of more than one crime in a single incident, posts will report the most severe crime in ACS+. For example, in a case in which a citizen is robbed and murdered, the case will be reported as a murder. *Consular Officers* should use *judgment* to select the crime category that best applies in each victim's case.
- (h) Front-channel cables remain a critical component in our *efforts to make sure information on such crimes:*
 - *Is distributed appropriately within the Department (e.g. to country desks)*
 - *Informs the policy process*

7FAM 1943 THROUGH 1949 UNASSIGNED